



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,809	07/14/2000	James Richard Wason	13679(END9-2000-0080US1)	6597

7590 04/21/2004

Richard L Catania Esq
Scully Scott Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/616,809

Applicant(s)

WASON, JAMES RICHARD

Examiner

Joshua D Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 02/09/2004.
2. Claims 1-13 are pending in this case. Claims 1, 6, and 10 are independent claims. Claims 1, 6, and 10 have been amended.
3. The rejection of claims 1-13 under 35 U.S.C. 102(e) as being anticipated by Kikinis has been withdrawn as necessitated by amendments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US Patent Application Publication Number 2002/0049833, filed on May 4, 1998) in view of Microsoft Press (Microsoft Press Computer Dictionary, published in 1997).

5. **Regarding independent claim 1**, the applicant discloses:
 - forming a template from fragments of the text file that include literals for an output text stream;
 - o Kikinis discloses a method in which a listing of parameters and characteristics of a WEB page (HTML) are used to form a template, it is

inherent that this listing exists as text for processing purposes (Page 2, paragraph 0013 of Kikinis). Kikinis does not disclose that the information includes literals for the output text stream. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the information provided in a programming language (HTML) would contain literals for use in output because it was well known in the art that literals are used in programs (literal – see Microsoft Press Computer Dictionary, 1999, page 286 “literal”).

- using the template as an overlay for parsing incoming files, or as a prototype to generate a segment of an output file;
 - o Kikinis discloses a method in which a template is used to translate (parse) web pages transmitted by a server (Page 2, paragraph 0013 of Kikinis).
- using a macro class to map data from the text file to an application;
 - o Kikinis discloses a method in which scripts (macro – see Microsoft Press Computer Dictionary, 1999, page 422 “script” and page 294 macro) are used to load web pages to be used as data for the template application (Page 2, paragraph 0017-0020 of Kikinis). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Kikinis with the use of macros because it was well known in the art at the time the invention was made that a script as disclosed in Kikinis is conceptually the same as a macro.

- embedding the macro class as a keyword within the template, wherein when the template reaches the keyword, the template calls the macro class to further process the text file according to a given set of rules.

- Kikinis discloses a method in which scripts in the templates are used in the file processing (Abstract of Kikinis), as defined by Microsoft Press Computer Dictionary (1999, pages 294-295 and 422-423) a script is synonymous with a macro and a macro is defined to be a short hand (keyword) way to carry out instructions of a program that would normally require a large number of keystrokes. A program being a set of rules for processing data.

6. **Regarding dependent claim 2**, the applicant discloses:

- that the macro class reads in a segment of the text file and uses the segment to initiate application update processing.
 - Kikinis discloses a method in which a script loads real-time (updated) data from web pages to start the filling of a template (Page 2, paragraph 0017-0020 of Kikinis).

7. **Regarding dependent claim 3**, the applicant discloses:

- that the macro class derives data from the application and formats it into the text file.
 - Kikinis discloses a method in which the scripts provide HTML (text) files (Page 2, paragraphs 0017-0020 of Kikinis).

8. **Regarding dependent claim 4**, the applicant discloses:

- that the macro class derives a template name from the invoking template and uses that name to invoke a next template to further process the text file.
 - o Kikinis discloses a method in which a number of templates may be used to on a set of information, which is contained in the parameters of a template and executed by the application during processing (Page 15, paragraphs 0194-0196).

9. **Regarding dependent claim 5**, the applicant discloses:

- providing an interface controller to prevent structure clashes by placing text data into appropriate places in a complex object structure as the text file is processed.
 - o Kikinis discloses a method in which an application operates based on templates, which include details about the client's viewing device and parameters, contained within a template, regarding the client in order to correctly provide a viewable document to the client (Page 2, paragraph 0013 of Kikinis).

10. **Regarding independent claim 6 and dependent claims 7-9**, the claims incorporate substantially similar subject matter as claims 1-3 and 5. Thus, the claims are rejected along the same rationale as claims 1-3 and 5.

11. **Regarding independent claim 10 and dependent claims 11-13**, the claims incorporate substantially similar subject matter as claims 1-3 and 5. Thus, the claims are rejected along the same rationale as claims 1-3 and 5.

Response to Arguments

12. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's arguments filed 02/09/2004 have been fully considered but they are not persuasive.

In response to applicant's argument on Page 8, paragraph 3 ("With respect to...") that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., storing the template as simple text) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments on Page 9, paragraph 1 ("Kikinis does mention...") do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

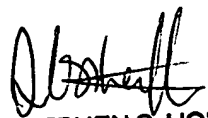
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/616,809
Art Unit: 2178

Page 8

JDC
April 6, 2004


STEPHEN S. HONG
PRIMARY EXAMINER